UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/SR.45
3 March 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 45TH MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 27 February 1992, at 10.00 a.m.

Chairman: Mr. SOLT (Hungary)
later: Mr. NASSERI (Islamic Republic of Iran)
later: Mr. WALKER (Australia)

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GE.92-11236/4263B

The meeting was called to order at 10.30 a.m.

STATEMENT BY THE SECRETARY OF STATE FOR SOCIAL PROMOTION OF TUNISIA

1. The CHAIRMAN welcomed the Secretary of State for Social Promotion of Tunisia and invited her to address the Commission.

2. Mrs. GUEDDANA (Tunisia), having congratulated the Commission on Human Rights and the General Assembly on their work for human rights, and particularly the rights of the child, said that, since independence, her Government had made the rights of the child a priority in the Constitution and the laws of the country. Children were protected both inside and outside the family, special emphasis being placed on their education and health care. National development plans contained whole chapters devoted to the problems faced by children. Some 33 per cent of the national budget was allocated to education and that had made it possible to provide schooling for 98 per cent of the Tunisian children. The Government concentrated its efforts on providing basic education and on protecting children from underprivileged backgrounds.

3. Since 1987, the gains made in the post-independence period had been consolidated. In 1989, a Ministry of Children's Affairs had been established. In addition, the Higher Council for Children helped to determine the basic needs of children and developed programmes to meet those needs.

4. The reform programme for education aimed at increasing awareness of human rights. It stressed mandatory education and attempted to combat incomplete schooling. The basic education system, which children entered at the age of seven, provided nine years of schooling preparing children either for higher education or for the world of work. The education reforms encouraged new subjects which covered human rights, tolerance and openness to other cultures.

5. Her Government had created posts for social workers in the schools so as to enable children to overcome any psychological or social obstacles impeding their progress, thus guaranteeing equal opportunities for all children. It had also established services in rural areas and expanded the school network throughout the whole country, taking into consideration the economic level of children from low-income and middle-income families. It had provided drinking water for children in rural areas, and provided cultural centres and sports centres for recreation purposes.

6. Legislation had been passed protecting children from being used as child labour and establishing social welfare programmes. While disabled children were increasingly integrated into normal schools, there was also greater provision of special schools for the disabled.

7. Considerable improvements in health care had led to a mortality rate of 50 per million and it was hoped that that could be reduced to 35 per million by the year 2000. Vaccination was available to all children everywhere and antenatal care had been expanded and improved.

8. New adoption laws protected children from various harmful tendencies in that regard.

9. The work that had been done at the national level was also supplemented at the international level. Her Government had played an active part in elaborating the Convention on the Rights of the Child, which Tunisia had ratified. It had entered two reservations, but they concerned technical points, not points of substance. Moreover, the Government was studying means of withdrawing those reservations. A Tunisian delegation had also participated in the Children's Summit in New York in 1990.

10. The protection and promotion of children was a prerequisite in every country that aimed to provide them with the fullest possible opportunities. It was, however, difficult for countries with large foreign debts to meet all their commitments. The international community should thus attempt to find a solution to the foreign-debt problem. The President of Tunisia had made an appeal at the Toronto Summit for a rescheduling of debt so that development programmes could be financed. In that way, the problems of third-world societies would be eased, enabling them to work more effectively in children's affairs. Certain economic and social conditions were necessary for children to flourish. The international community should lay the foundations for a new world economic order which would benefit the developing countries and make the rights of the child a priority.

11. When the Commission on Human Rights considered ways of achieving a brighter future for children all over the world, it should bear particularly in mind those children in the occupied Arab territories, especially the Palestinian children, who were suffering daily. Her Government appealed to the Commission to reaffirm its desire to protect the right of Palestinian children and people generally to a decent life in their own land.

12. In conclusion, her Government called on the international community to reaffirm its desire to ensure a decent life for all peoples, the prerequisite for a happier and more fulfilling future for children, and indeed for all mankind.

STATEMENT BY THE PRESIDENT OF THE REPUBLIC OF HAITI

13. The CHAIRMAN welcomed the President of the Republic of Haiti and invited him to address the Commission.

14. Mr. ARISTIDE (President of the Republic of Haiti) said that his presence in the Commission reflected the will of seven million men and women who, despite all the vicissitudes, bloodshed and deaths, were reaffirming their commitment on the occasion of that historic rendezvous. A few days previously, in Washington, he had encountered representatives of the 34 countries of the Organization of American States which continued to move, hand in hand with the Haitian people, towards that new land where human rights would and must be respected. On the current occasion, at Geneva, 166 united nations were expressing that same will to accompany his people towards that promised land.

15. As for the progress made in the march towards the new Haiti, the Haitian people had, after 200 years, for the first time held free and democratic elections on 16 December 1990. Upon taking up his duties and for seven months thereafter, he and his Government had waged a daily campaign against arbitrary behaviour, corruption, smuggling and drug trafficking. For seven months, they

had made use of the principles of human rights to reform the structures of the State apparatus and its policy of exploitation, injustice, and hostage-taking. They had refused to respond in kind to institutionalized violence but had used peaceful means to transform their society.

16. After a few months, that policy of peaceful reform had already produced some tangible results: the budgetary and financial situation of the State had improved, security had been restored, and the public administration and judiciary had been reformed. During those seven months, the Haitian people had demonstrated its capacity to adopt that policy course and to follow it despite the difficulties it faced every day. The gradeur of the Haitian people was reflected in its patience, and its attitude of non-violence that had so long been exploited by a minority which, for 200 years, had opposed the democratization of society in order to safeguard its own interests.

17. That minority, which had kept 85 per cent of the population in a state of illiteracy - in violation of their fundamental right of access to knowledge, had demonstrated on 30 September 1991 its rejection of a process that would enable everyone to benefit from democracy. On that date, General Cedras had shown his determination to crush by force of arms the will of the Haitian people, as expressed through the ballot-box and had thereby defied the nations of the world.

18. During their five months of arbitrary rule, the usurpers of power had carefully orchestrated a brutal repression to discourage any popular mobilization, a repression that was taking place within a permanent context of violations of human rights and fundamental freedoms. In addition to the systematic use of heavy weapons against a defenceless civilian population, that repression included imprisonment without trial, summary executions, rape, torture, punitive curfews, destruction of houses, searches without warrants, acts of vandalism, restrictions on the freedoms of movement, expression and association and censorship of the press.

19. According to many reports by human rights organizations, the number and frequency of those violations had reached a level unprecedented even during the terrible years of the Duvalier dictatorship. The list of abusive practices utilized by the usurpers to flout systematically the ideals proclaimed by the International Bill of Human Rights and the provisions of the International Covenant on Civil and Political Rights, was, indeed, a long one.

20. According to the report of the Inter-American Commission on Human Rights, issued a few weeks after the coup d'état, the number of those killed had exceeded 1,500. That Commission had also reported the discovery, on 12 November 1991, of two common graves containing the bodies of 60 persons, men, women and children. Similarly, a recently published report by a group of Haitian organs concerned with the defence of human rights indicated that several hundreds of persons had been shot in Port-au-Prince during the first two days after the coup d'état.

21. Under the Constitution of Haiti, a coup d'état was an illegal and arbitrary act. No one was entitled to endanger the security of the State under the pretext of seeking to improve it. The coup d'état organized by General Cedras had not only reduced the country's institutions to an

anarchical state; it had also created unprecedented distress to Haitian families. More than 300,000 internally displaced persons had had to flee their homes because of the reign of terror established by its perpetrators. Over 20,000 refugees fleeing violence, torture and military coercion had faced the dangers of the Caribbean Sea or the Atlantic Ocean in small boats.

22. Some had received humanitarian treatment and been granted the status of political refugees. Others had been rescued but held on ships or in makeshift camps in degrading conditions reminiscent of the slave-trade. In recent weeks, some countries had allowed some refugees who so desired to return home under the auspices of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross; others had chosen to repatriate a number of despairing Haitians by force, because the authorities concerned did not wish to recognize them as persons liable to political persecution. The political decision to repatriate those Haitian refugees en masse could not but be regarded as a refusal to recognize their political and legal rights as set forth in the International Bill of Human Rights.

23. The constitutional and legitimate Government of Haiti believed that, in view of the extremely perilous security conditions prevailing in Haiti, enforced repatriation violated the non-refoulement obligation contained in article 33 of the Convention relating to the Status of Refugees, which prohibited the return of a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened.

24. In that connection, he wished to stress that, during the first seven months of his Government, the number of so-called "boat people" had greatly diminished. Even before there was any improvement in economic conditions, Haitians, proud of their restored dignity, had chosen to remain at home or to return home in order to rebuild the country.

25. Respect for human rights was an imperative if human beings were to live together in peace and harmony. Since there could be no protection of human rights without respect for the rule of law, one of the pillars of his Government's policy, had been to make the system of justice in Haiti accessible to all, its principle being that, without justice, there could be no social peace and, without social peace, there could be no development. He thus reaffirmed the commitment he had made at the beginning of his term of office to support fully all efforts aimed at strengthening the Haitian legal system which had been systematically destroyed by the Duvalier regime. Everyone, including those guilty of the worst violations, would be ensured of an impartial trial, would be entitled to a lawyer of his choice and would not be subjected to ill-treatment if imprisoned.

26. A new era would dawn in Haiti, an era of justice and respect for human rights. Haitians would prove to the entire world that they were above vengeance and reprisals and were seeking only justice, peace and democracy. They would guarantee respect for the rights even of those who had denied those rights to the Haitian people under the dictatorship of the Duvaliers and the military coup d'état.

27. He undertook to do everything in his power during his term of office to ensure that the Haitian Parliament ratified as rapidly as possible the main

international human rights instruments which had not yet been ratified, such as the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

28. He asked the Commission to appoint a special rapporteur on the situation of human rights and fundamental freedoms in Haiti and to instruct him to report to the Commission at its forty-ninth session. That measure would show the military leaders of the coup d'état and their allies that the United Nations had decided to monitor the situation of human rights in Haiti very closely and would send a clear message to those guilty of massive violations that the international community was not willing to tolerate their conduct.

29. His Government would also require the assistance of law-enforcement experts to organize the separation of the police from the army with a view to placing the former under the control of the Ministry of Justice, as prescribed by the Constitution. It would also be necessary to restructure completely the rural police system and to abolish the system of chiefs of section, which had long subjected the population to terror. He recalled that he had already undertaken that reform but that the leaders of the coup d'état had restored the chiefs of section to power.

30. Law-enforcement officials would be taught the international standards prescribed by the Code of Conduct for Law Enforcement Officials and the Basic Principles of the Use of Force and Firearms by Law Enforcement Officials. Anyone who violated those standards would be prosecuted in accordance with Haitian law. No one, not even the most powerful, would be able to violate human rights with impunity. In that way, confidence in the legal system would be restored.

31. Conditions in Haitian prisons remained inhuman: prisoners were tortured, ill-treated and placed in cells that were too small and in which the sanitary conditions were deplorable. Moreover, medical treatment was virtually non-existent. The prisons and centres of detention were under the control of the army, not the Ministry of Justice. After 29 September and in violation of international law, the army had maintained secret detention centres where persons were tortured and even killed.

32. He pledged himself to change that state of affairs. With the cooperation of international institutions, he would endeavour to ensure respect for the standards and guidelines adopted by the United Nations, namely, the Standard Minimum Rules for the Treatment of Prisoners and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

33. He intended to work with Haitian legal experts, whether they lived in Haiti or abroad, to restore a legal system that guaranteed full respect for human rights. He would ensure implementation of the United Nations Basic Principles on the Independence of the Judiciary and, to that end, would count upon the assistance of the Centre for Human Rights and other United Nations services to help Haiti in drafting information programmes for officials in that field. He invited the Special Rapporteur on questions relevant to

torture, the Special Rapporteur on summary or arbitrary executions and the Working Group on Arbitrary Detention to visit Haiti to investigate violations related to their mandates.

34. The Commission must take up a firmer position towards Governments that did not respect human rights and must denounce those that usurped power. His Government urged the Commission to do everything in its power to condemn the leaders of the putsch and put an end to human rights violations in Haiti. The international community had the moral responsibility to fight for the return of democracy and constitutional order in his country.

35. The recent events on the international scene had proved once again that democracy was a prerequisite for true peace. To that end, States must encourage the active participation of citizens in the daily activity of national development. Human dignity must prevail. While that was particularly true for the countries of the third world, it was also not without relevance to the industrialized countries, where the precarious living conditions of immigrant populations forbade any complacency about human rights.

36. There could be no democracy without respect for human rights and no respect for human rights without democracy. For that reason, his Government supported the holding in 1993 of the World Conference on Human Rights and hoped that it would advance the cause of human rights throughout the world. If it were only to reduce the scandalous gap between the North and the South, respect for human rights must have the universal support of the peoples of the world.

37. The meeting was suspended at 11.40 a.m. and resumed at noon.

38. Mr. Nasseri (Islamic Republic of Iran) took the Chair.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT

(agenda item 12) (continued) (E/CN.4/1992/3, 4, 25-27 and Corr.1, 28 and Add.1, 29, 30 and Add.1, 31-37, 60, 64, 67, 68 and 72; E/CN.4/1992/CRP.1 and 2; E/CN.4/1992/NGO/2, 5, 10, 11, 13, 19, 24, and 34; E/CN.4/1991/24, 27-31, 33 and Add.1 and 34-36; A/46/446, 529, 542, 544 and Corr.1, 606 and 647)

39. Mr. VELASQUEZ (Observer for Panama) said that authoritarian regimes throughout the world had collapsed when their leaders had realized the need to change to a democratic system and market economy. Although those changes had been largely peaceful, they had led to economic problems and the community of democratic States should make every effort to help the countries concerned. The international community understood that the defence of human rights was an international undertaking and that every country needed support to that end.

40. Having suffered under a military dictatorship, Panama had taken a special interest in democratic developments. It was nevertheless disappointing to see the stubborness with which some leaders maintained regimes which denied their peoples' human rights. History showed that regimes which ignored fundamental freedoms eventually disappeared. There was no stopping the tide of history.

41. In that context, the peace agreement reached between the Government of El Salvador and the Frente Farabundo Martí de Liberación Nacional (FMLN) was to be welcomed. It had put an end to the civil war that had caused over 70,000 deaths and considerable material damage. The United Nations had played an important role in the peace process by maintaining direct contact with all the parties concerned. The Governments of the countries of South America had also participated in that process, since they realized that human rights concerned all countries of the world.

42. All States Members of the United Nations were obliged to implement those human rights instruments to which they were parties. The refusal of the Government of Iraq to comply with Security Council resolutions had led to the Gulf conflict. No country could ignore such binding resolutions. If they were allowed to do so, the Organization would collapse.

43. His Government was extremely concerned that the Special Representative of the Secretary-General to Cuba had been unable to fulfil his mandate owing to a lack of cooperation by the Government of Cuba. The authority of the Commission on Human Rights was based on respect by States for its resolutions. Cuba, as a member of the Commission, had an even greater obligation to abide by its resolutions. The assertion that a resolution had been adopted for international political reasons did not thereby invalidate it. Specific allegations had been made against the Government of Cuba and those allegations had to be investigated, even if they were ultimately proved to be false.

44. Mr. Walker (Australia) took the Chair.

45. Mr. AINSO (Observer for Estonia) said that his country, which had been warmly received back into the family of nations after 51 years, wished to thank those delegations and non-governmental organizations which, over the previous decades, had occasionally brought up the subject of ongoing human rights violations in Estonia. Once the veil of secrecy had been lifted, the legacy of 50 years of occupation had been found to be even worse than suspected. The most damaging result of those years was the massive cross-border population transfers that had taken place in contravention of article 49 of the Fourth Geneva Convention.

46. At least 70,000 Estonian citizens, out of a population of one million, had been forcibly deported to remote areas of Siberia, where many of them had perished. An even more significant population transfer had been facilitated by the creation of special privileges for attracting foreign settlers into Estonia. As a result of that policy, the percentage of non-Estonians had increased during the period from 11 per cent to 38 per cent of the total population.

47. The international community had finally come to recognize that purposeful and systematic population transfers by an occupying Power, against the will of the local people, was a crime against humanity, since the local people were politically dominated, economically exploited and culturally subjugated by the newcomers.

48. His delegation therefore welcomed the statement by the Minister for Foreign Affairs of the Russian Federation that the Government of the former Soviet Union had in fact ignored its signature of international instruments. It was also gratifying to hear that practices which led to the violation of individual human rights were currently being changed. He hoped that the planned changes would help to repair the damage that had been caused.

49. Given the radical changes in the ethnic composition of the population, his Government wished to appeal to a widely accepted international legal principle according to which no permanent gain could be obtained from an illegal act. Estonia was ready to negotiate with all emerging States the question of the status of foreign nationals brought into Estonia during the previous 50 years. It also wished to be assured that all Estonians who had been deported from their ancestral homeland and wished to return would be given the opportunity of doing so.

50. With regard to changes in the human rights situation in his country since independence, the Estonian Supreme Council had ratified, inter alia, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights together with the first Optional Protocol thereto, and the Convention on the Elimination of All Forms of Discrimination against Women.

51. Prior to the Second World War, independent Estonia had had one of the most advanced minority-rights records of its day. The Russian, German, Swedish and Jewish minorities had run their own language schools, supported by the State, and were able to elect their own members of Parliament. Currently, a new Constitution was being elaborated by a Constitutional Assembly, in which representatives of the settlers participated. The second chapter of the draft Constitution, which was modelled on the United Nations and European human rights documents, was devoted exclusively to questions of human rights. The new Constitution would be put to a national referendum within a month.

52. As for armed forces, his country had no repressive army. Only the former Soviet troops remained on Estonian territory, in violation of its sovereignty and despite repeated requests for their withdrawal. While a self-defence force was being created, the country had no internal security force, since the previous repressive security system had been disbanded.

53. Two major human rights issues had recently drawn international attention to Estonia. The first was the adoption of the Law on Language, on 18 January 1989, which provided that holders of jobs that required dealing with the public should be proficient in both Estonian and Russian. As a result of the ensuing storm of protest, Parliament had postponed the enactment of some of the Law's provisions for up to four years.

54. The second issue, which concerned citizenship and political rights, had been since defused by the re-adoption of the 1938 Law on Citizenship in November 1991, a noteworthy feature of which was the short residency requirement for the granting of citizenship. No one would be forced to accept Estonian citizenship and every settler would have a choice, as provided for in the Universal Declaration of Human Rights.

55. His country was in the process of rebuilding its economy and its cultural, educational and political institutions. Citizenship rights were being restored according to due legal process. Human rights that had previously been denied, were being restored to all residents, irrespective of citizenship. At long last, Estonia was trying to redefine its national identity.

56. Mr. Solt (Hungary) resumed the Chair.

57. Mr. VALCARCE PEÑAFIEL (Bolivia) said that representative democracy was the clearest manifestation of a political system that respected human rights. His delegation thus welcomed the coming of a more just and humane world order based on human dignity, freedom, justice and peace.

58. Since the restoration of the constitutional system in his country 10 years previously, civil, political and social rights and representative and pluralistic democracy had been enshrined in the Bolivian Constitution. Notwithstanding the prevailing economic situation, his Government sought to guarantee equity in social relations. A central aspect of its policy was to attenuate the impact of structural adjustment on the poorest sections of society. Bolivia had also underpinned equality in political relations, by introducing reforms in its political institutions and guaranteeing unrestricted freedom of expression. In the past 10 years, there had not been a single reported case of enforced disappearance.

59. His delegation welcomed the negotiation process that had begun on the Middle East, where the problem could not be solved through violent means. The example of El Salvador showed that a lasting peace could be reached only through open and constructive dialogue. His Government hoped that democracy would soon return to Haiti.

60. The Commission must focus on new phenomena affecting human rights, such as the resurgence of racism and segregation in the developed countries. Bolivia had ratified International Labour Organisation Convention 169 (Indigenous and Tribal People's Convention) in order to promote and ensure the full exercise of the human rights of its population without any distinction or discrimination.

61. A selective consideration of human rights issues must be avoided at all costs. Political and civil rights were inseparable from economic, social and cultural rights. The right to development was a constant challenge to the international community. In that context, his delegation reiterated the proposal by the President of Bolivia on the need to promote development as an answer to the evil of drug trafficking, which threatened its national institutions.

62. Bolivia had embarked upon an ambitious programme of reform and modernization focusing on employment, education, environment protection and health care for the most disadvantaged groups of the population. One example of the importance that his Government attached to promoting and protecting the human rights of the most vulnerable social groups was its intention to promulgate a new code that would draw upon the Convention on the Rights of the Child and the World Declaration on the Survival, Protection and Development of the Child. Concerning the rights of women, Bolivia had ratified in 1990 the Convention on the Elimination of All Forms of Discrimination against Women.

63. In the developing countries, violations of human rights in the area of the administration of justice were due not so much to reasons associated with the independence of the judiciary as to inadequate economic resources and the way in which the police forces and prison systems operated.

64. The 1993 World Conference on Human Rights would provide an excellent opportunity to evaluate the effectiveness of the international human rights system and to improve international cooperation in that area.

65. Mr. MARKIDES (Cyprus), speaking in exercise of the right of reply, said that, the previous day, the observer for Turkey had tried to mislead the Commission on the proven gross human rights violations committed by Turkey against the population of Cyprus, thus showing contempt for international law and the verdict of the international community, which had condemned Turkey's actions against Cyprus in numerous United Nations resolutions.

66. Turkey had invaded Cyprus in 1974 and had been occupying 37 per cent of its territory ever since. It had forcibly expelled 80 per cent of the Greek Cypriots living in the occupied territory, denied them the right to return and had been giving their homes and property to Turkish settlers. Turkey had consistently refused to cooperate on achieving a negotiated settlement, because it aimed to destroy the independence and territorial integrity of Cyprus. Turkey had been repeatedly challenged to submit its allegations to scrutiny by recognized international human rights bodies, but had declined to do so.

67. Mr. SEZAKI (Japan), speaking in exercise of the right of reply, referred to a statement by the representative of the NGO, War Amputations of Canada, concerning the question of the claims of persons who had been prisoners of war and internees during the Second World War. His Government had already expressed its position on that question on numerous occasions; its point of view on the procedural aspect of the issue, especially with regard to the procedure governed by Economic and Social Council resolution 1503 (XLVIII) coincided with that contained in decision 1991/104 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

68. In his statement the previous day, the observer for the Republic of Korea had made a reference to the so-called Korean "comfort women" during the Second World War. His Government had already acknowledged the involvement of the Japanese Imperial Army in that matter, and the Prime Minister of Japan had himself expressed his sincere apology and remorse during his visit to the

Republic of Korea in January; the Japanese people shared his sentiment. His Government had been conducting a study on Japan's involvement in the matter, and that study would continue.

69. Mr. ILICAK (Observer for Turkey) said that the representative of the Greek Cypriots was avoiding the core of the Cyprus question. In 1960, the Turkish and Greek Cypriot peoples, using their respective rights to self-determination, had jointly established the Republic of Cyprus. In December 1963, the Greek Cypriots had destroyed that Republic by force, ousting the Turkish Cypriots from all government institutions. Between 1963 and 1974, the human rights of the Turkish Cypriot population, including the right to life, had been systematically violated. In 1974, a coup d'état had taken place, the goal being to put an end to the independent status of the island and to allow its annexation by Greece. Turkey had then intervened, in accordance with its obligations and rights under the 1960 Treaty of Guarantee, to protect the lives of the Turkish Cypriots and the independence of the island. That intervention had been a legitimate one and in conformity with international law.

70. His Government would welcome a comprehensive and lasting solution reached through negotiations by the two peoples of the island and based on the political equality and guaranteed security of the Turkish Cypriots: any solution must be within the framework of Security Council resolution 649 (1990).

71. The question of missing persons affected both communities, and its resolution must be left to the Committee on Missing Persons in Cyprus, which constituted the only proper body for addressing that issue.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

72. The CHAIRMAN said that, if he heard no objections, he would take it that the Commission wished to consider the question of assistance to Guatemala in the field of human rights under agenda item 19.

73. It was so decided.

STATEMENT BY THE UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS OF THE REPUBLIC OF POLAND

74. The CHAIRMAN welcomed the Under-Secretary of State for Foreign Affairs of the Republic of Poland and invited him to address the Commission.

75. Mr. KOSTARCZYK (Poland) said that recent global political changes had exposed basic realities such as conflicts, ethnic strife, gross political and economic inequalities, disregard for human rights, and environmental threats to the planet. Emerging challenges included the protection of the human rights and the political and civil liberties of national minorities and the rights of whole nations, particularly their right to self-determination.

26. In Poland, efforts were being made to restore the full range of human rights. Without the assistance of the international community, however, it would be difficult to move beyond the stage of adapting national legislation to United Nations human rights standards and to ensure the full enjoyment of those rights by citizens.

77. Development in its broadest sense provided the infrastructure for respect for human rights. The continuation of the existing economic inequalities might therefore have a disruptive effect on the full enjoyment of human rights and the implementation of standards which his Government was seeking to achieve. The political and economic changes which accompanied the process of democratization had led to a deterioration in the quality of life in Poland and other parts of Europe. Sound economic growth, however, was indispensable to the promotion of respect for human rights. His Government therefore supported the proposal, contained in Economic and Social Council resolution 1991/230, to convene a World Summit for Social Development in 1995.

78. Human rights violations continued to be committed by Governments overtly or covertly in many parts of the world. It was therefore encouraging to note that the principle of non-intervention in the internal affairs of States was being increasingly criticized by the international community, which sought to strike a balance between the prerogatives of a State and the protection of human rights. Indeed, some universal and regional human rights bodies, such as the Human Rights Committee and the European Court of Human Rights, had already acquired some power to influence the internal affairs of States when human rights were at stake. A new universal morality was taking precedence over borders and legal texts.

79. The forthcoming World Conference on Human Rights should therefore seek to reconcile the principle of sovereignty with the need to respect that emerging new universal morality. The World Conference should also work out a long-term international programme for the promotion and protection of human rights, complemented by regional and universal systems of human rights. His Government hoped that the Conference would help to define the basic principles to be observed in promoting human rights in the twenty-first century and to make the implementation of those rights universal.

80. It supported the proposal by the Austrian Government for the creation of an emergency procedure to enable the Commission to react promptly to serious human rights violations through close cooperation between the Commission and the country concerned. The Commission should, in fact, broaden its procedures by placing greater emphasis on prevention, through a system of regular and ad hoc fact-finding missions to monitor the implementation of countries' international commitments and through the development of the special rapporteurs institution and the creation of a "good-offices" mechanism.

81. His Government also supported the proposal to elaborate an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The meeting rose at 12.50 p.m.